

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

VICTOR ANDREWS, *on behalf of himself
and all others similarly situated,*

Plaintiff,

17 CV 0767

-against-

JUDGMENT

BLICK ART MATERIALS, LLC.

Defendant.

HAVING CONSIDERED Plaintiff's Unopposed Motion for Entry of Judgment, this Court finds that:

A. Defendant Blick Art Materials, LLC ("Defendant") operates a certain website at the address www.dickblick.com (the "Website") at which it offers for sale and sells art supplies;

B. Defendant also operates other websites at www.utrechtart.com and www.dickblick.com/ara/ (the "Other Websites") at which it offers for sale and sells art supplies;

C. Plaintiff is a blind individual who claims that Defendant's Website is not fully accessible to, and independently usable by, blind people in violation of Title III of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12181 et seq. ("ADA"), New York State Human Rights Law, N.Y. Exec. Law, Article 15 (Executive Law § 290 et seq.), and the New York City Human Rights Law, N.Y.C. Administrative Code § 8-101 et seq.

D. Defendant denies that the Website fails to comply with Title III the Americans with Disabilities Act of 1990 ("ADA") or any other applicable laws;

E. Defendant further asserts it has: a) been working to improve the overall functionality and accessibility of the Website and the Other Websites; b) been awaiting guidance from the Department of Justice ("DOJ") which has yet to promulgate guidelines on website

accessibility; and c) retained a website accessibility technical coordinator to assist it in auditing the Website and Other Websites and improving accessibility to customers and potential customers who suffer from disabilities.

IT IS HEREBY ORDERED that the Motion is granted and that:

1. Defendant and its parents, subsidiaries, and related entities bring the Website and Other Websites into substantial conformance with the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA, which are hereby determined by the Court to be an appropriate standard to judge whether Defendant is in compliance with any accessibility requirements of the ADA, New York State law, or New York City local law.
2. If the United States Department of Justice (“DOJ”) promulgates a final ADA Title III regulation setting out a website accessibility technical standard applicable to Defendant’s Website and Other Websites on or before December 31, 2019, the DOJ regulation will supersede the remedial measures set forth in paragraph 1 of this Judgment. Defendant will take reasonable and necessary efforts to ensure legal compliance with such standards within the time frames set forth in the regulations, even if such regulation provides a period of compliance that extends beyond December 31, 2019.
3. This Court shall retain jurisdiction to enforce the implementation of Defendant’s compliance with WCAG 2.0 AA, including assessing and awarding any damages, costs, or legal fees reasonably and necessarily incurred by Plaintiff’s counsel in post-judgment enforcement proceedings.
4. The Clerk is directed to close this case.

SO ORDERED in New York, New York, this [_____] day of [______], 2017
